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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,559	11/02/2000	Joseph A. McCluskey	31083.048001	8707
34018 7590 07/13/2007 GREENBERG TRAURIG, LLP 77 WEST WACKER DRIVE SUITE 2500 CHICAGO, IL 60601-1732			EXAMINER HAVAN, THU THAO	
			ART UNIT 3691	PAPER NUMBER
			MAIL DATE 07/13/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/705,559

**Applicant(s)**

MCCLUSKEY ET AL.

**Examiner**

Thu Thao Havan

**Art Unit**

3691

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **Detailed Action**

### ***Response to Arguments***

In view of the Appeal Brief filed on January 22, 2007, PROSECUTION IS HEREBY REOPENED. The new non-final office action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-16** are rejected under 35 U.S.C. 102(e) as being anticipated by Evans (US 5,24,074).

Re claims **1, 9, 11, and 13**, Evans teaches a method of providing a customer with information regarding a product (figs. 8 and 14-15), the method comprising:

receiving an electronic request for information for a product (col. 9, lines 56-67);

searching an electronic database to determine if the electronic database contains information for the product (figs. 1-2);

if the electronic database contains information for the product, sending an electronic message to the customer containing selected information from the electronic database that corresponds to the product (fig. 17b); and

if the electronic database does not contain information for the product, automatically sending an electronic request to a sourcing agent to perform a search outside of the electronic database to gather information for the product which gathered information is returned to the customer in an electronic message and added to the electronic database (col. 10, line 18 to col. 11, line 9).

Re claim **2**, Evans teaches forward the electronic request to the sourcing agent as a request for quotation (fig. 15a).

Re claim **3**, Evans teaches request for quotation is prepared by the customer in response to a prompt that is automatically sent to the customer when the electronic database does not contain information for the product (col., 15 lines 40-50).

Re claim **4**, Evans teaches Internet (col. 12, lines 56-59).

Re claims **5** and **8**, Evans teaches e-mail (fig. 14).

Re claim **6**, Evans teaches a method as claimed in claims 1, 9, 11, and 13 above.

Therefore the rationale applied in the rejection of claims 1, 9, 11, and 13 applies herein.

Furthermore, Evans teaches a set of predetermined rules to determine the sourcing agent to which the electronic request is to be routed (figs. 15b-16).

Re claim **7**, Evans teaches comparing words in the electronic request against a set of predetermined product descriptors to determine a type of product specified in the request (col. 8, lines 29-67).

Re claim **10**, Evans teaches sending the source for the product specified in the request as determined by the sourcing agent to an originator of the request (figs. 17b).

Re claim **12**, Evans teaches a method as claimed in claims 1, 9, 11, and 13 above.

Therefore the rationale applied in the rejection of claims 1, 9, and 11-13 applies herein.

Furthermore, Evans teaches an option to authorize a further search (col. 6, lines 23-36; fig. 4).

Re claim **14**, Evans teaches electronic catalog and second component reside on a Web server of a third party vendor (col. 12, line 60 to col. 13, line 48).

Re claim **15**, Evans teaches a portal through which the electronic catalog, first component and second component are accessible (fig. 24).

Re claim **16**, Evans teaches electronic catalog, first component and second component reside on a single Web server (col. 12, line 60 to col. 13, line 48; fig. 24).

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached during her flextime schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



Thu Thao Havan  
Art Unit: 3691  
7/9/07